

CENTER FOR HUMAN RIGHTS &
CONSTITUTIONAL LAW
Peter A. Schey (Cal. Bar No. 58232)
Carlos Holguín (Cal. Bar No. 90754)
Rachel Leach (D.C. Bar No. 1047683)
256 South Occidental Boulevard
Los Angeles, CA 90057
Telephone: (213) 388-8693
Facsimile: (213) 386-9484
Email: pschey@centerforhumanrights.org
crholguin@centerforhumanrights.org
rleach@centerforhumanrights.org

Listing continues on next page

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Jenny Lisette Flores., *et al.*,

Plaintiffs,

v.

William Barr, Attorney General of the
United States, *et al.*,

Defendants.

Case No. CV 85-4544-DMG-AGRx

JOINT STATUS REPORT

Hearing: None set

[HON. DOLLY M. GEE]

1 USF SCHOOL OF LAW IMMIGRATION CLINIC
2 Bill Ong Hing (Cal. Bar No. 61513)
2130 Fulton Street
3 San Francisco, CA 94117-1080
4 Telephone: (415) 422-4475
Email: bhing@usfca.edu

5
6 LA RAZA CENTRO LEGAL, INC.
Stephen Rosenbaum (Cal. Bar No. 98634)
7 474 Valencia Street, #295
8 San Francisco, CA 94103
Telephone: (415) 575-3500

9
10 ORRICK, HERRINGTON & SUTCLIFFE LLP
Kevin Askew (Cal. Bar No. 238866)
11 777 South Figueroa Street, Suite 3200
12 Los Angeles, CA 90017
Telephone: (213) 629-2020
13 Email: kaskew@orrick.com

14 ORRICK, HERRINGTON & SUTCLIFFE LLP
15 Elyse Echtman
16 Shaila Rahman
51 West 52nd Street
17 New York, NY 10019-6142
18 Telephone: 212/506-3753
Email: eechtman@orrick.com, sdiwan@orrick.com

19
20 THE LAW FOUNDATION OF SILICON VALLEY
LEGAL ADVOCATES FOR CHILDREN AND YOUTH
21 PUBLIC INTEREST LAW FIRM
Jennifer Kelleher Cloyd (Cal. Bar No. 197348)
22 Katherine H. Manning (Cal. Bar No. 229233)
23 Annette Kirkham (Cal. Bar No. 217958)
24 4 North Second Street, Suite 1300
San Jose, CA 95113
25 Telephone: (408) 280-2437
26 Email: jenniferk@lawfoundation.org,
kate.manning@lawfoundation.org
27 annettek@lawfoundation.org
28

Joint Status Report

On June 26, 2019, Plaintiffs filed an *Ex Parte* Application for a Temporary Restraining Order and an Order to Show Cause Why a Preliminary Injunction and Contempt Order Should Not Issue (“*Ex Parte* Application”). [Doc. # 572.]

On June 27, 2019, Defendants filed an Opposition, wherein they requested that the Court deny the request for a temporary restraining order, and set a schedule for briefing these issues that provided Defendants with a full and fair opportunity to respond to the allegations that Plaintiffs lodged against them, or to order the parties to engage in an expedited mediation process in front of the Monitor to address Plaintiffs’ concerns. Opposition at 5–6 [Doc. # 574.]

On June 28, 2019, this Court issued its In Chambers - Order re Plaintiffs’ *Ex Parte* Application for a Temporary Restraining Order and an Order to Show Cause Why a Preliminary Injunction and Contempt Order Should Not Issue (“June 28, 2019 Order”). [Doc. # 576.] The June 28, 2019 Order refers the issues in the *Ex Parte* Application for expedited mediation before the *Flores* Monitor. *Id.* at 3. The Order also required that by July 12, 2019, the parties shall file a joint status report “regarding their mediation efforts and what has been done to address post haste the conditions described in the *Ex Parte* Application.” *Id.*

Further, on July 8, 2019, the Court issued an order by agreement of the parties authorizing the appointment of Dr. Wise as the Monitor’s expert. [Doc. #

1 591.] The Notice sets the following terms and conditions of Dr. Wise's
2 appointment:
3

4 [T]he Expert will consult with and assist the Monitor in assessing child
5 health and safety conditions in facilities operated by Customs and Border
6 Protection (CBP) and Office of Refugee Resettlement (ORR). The Expert
7 will advise the Monitor on any remedial steps necessary to bring the
8 conditions of custody and systems of child health care into compliance with
9 the law and the Flores Settlement Agreement (FSA).
10

11 The Expert will assess the health conditions of minors in custody of CBP and
12 ORR and will, among other things, review and assess demographic and
13 programmatic data, standards and protocols for child health and safety, and
14 medical records of children in custody of CBP and ORR. The Expert will
15 conduct facility inspections, interviews with children and parents in the
16 custody of CBP and ORR, and meet with responsible Department of
17 Homeland Security and Department of Health and Human Services officials
18 and relevant experts and professional organizations.
19

20 *Id.* at 2.
21

22 As previously reported, on July 10, 2019, the parties engaged in good faith
23 mediation conducted by the Monitor. [Doc.# 599]. Dr. Wise was present after
24 conducting his first visit to the Rio Grande Valley (RGV) Sector. Present for
25 Plaintiffs were counsel for Plaintiffs and certain of Plaintiffs' experts. Present on
26
27
28

1 behalf of Defendants were Defendants' counsel, agency counsel, Dr. David
2 Tarantino, CBP's Senior Medical Advisor, Henry Moak, CBP's Juvenile
3 Coordinator, and representatives from U.S. Border Patrol.
4

5 On August 16, 2019, Dr. Paul Wise's 56-page draft Interim Report was
6 circulated to all parties by the Monitor. All parties timely submitted comments to
7 Dr. Wise's draft Interim Report.
8

9 On September 6, 2019, the Monitor provided the Parties with Dr. Wise's
10 final Interim Report. Dr. Wise considered the comments provided by all parties in
11 the final Interim Report. Dr. Wise also provided specific explanatory responses to
12 the comments received from Plaintiffs, CBP, and HHS.
13

14 On September 11, 2019, the Parties met and conferred in good faith
15 mediation conducted in Los Angeles and overseen by the Monitor serving as
16 mediator. Dr. Paul Wise was present throughout the mediation. All Parties appeared
17 with counsel and experts.
18

19 The Parties, Dr. Wise, and the Monitor agreed that Dr. Wise will continue his
20 review and prior to the next scheduled mediation will prepare a more detailed set of
21 recommendations on the issues Dr. Wise previously addressed in his report, the
22 Monitor will provide the Parties with copies of Dr. Wise's recommendations, and
23 the Parties plan to meet for mediation in Los Angeles on October 17, 2019 to
24 discuss these more detailed recommendations.
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Peter Schey, declare and say as follows:

I am over the age of eighteen years of age and am not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 256 S. Occidental Blvd., Los Angeles, CA 90057, in said county and state.

On September 16, 2019 I electronically filed the following document(s):
JOINT STATUS REPORT
with the United States District Court, Central District of California by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/Peter Schey
Attorney for Plaintiffs